

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MALRY TARDD and OTTO WHITE,

Plaintiffs,
-against-

ORDER
CV 04-3262 (ADS)(ARL)

BROOKHAVEN NATIONAL LABORATORY,
et al.,

Defendants.

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LINDSAY, Magistrate Judge:

Before the court is the defendants' letter dated March 23, 2006, requesting that the court enter an order granting the defendants an additional four hours to depose the plaintiff Malry Tardd regarding the new allegations he has asserted in the third amended complaint. That request is granted.

The plaintiffs filed a third amended complaint on February 20, 2006. The third amended complaint adds numerous allegations that were not contained in the prior complaint. Nonetheless, the plaintiffs oppose the motion arguing that the new allegations simply conform to information adduced during discovery, and thus, a continued deposition would be wasteful and cumulative. The court disagrees. The harm to the plaintiff caused by having to appear for an additional four hours is far outweighed by the harm that would be caused if the defendants were not permitted to fully explore these new allegations. Accordingly, the court finds that the defendants should be permitted to depose the plaintiff Tardd for an additional four hours regarding the third amended complaint prior to April 14, 2006.

Dated: Central Islip, New York
March 29, 2006

SO ORDERED:

_____/s/_____
ARLENE R. LINDSAY
United States Magistrate Judge